

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

REMARKS

This amendment is responsive to the Office Action dated December 9, 2004. Applicant has amended claims 1 and 22. Claims 1-38 are pending.

Claim Rejections Under 35 U.S.C. § 102

The Office Action indicates that claims 1, 11-16, 18, 19, 22 and 31-35 under 35 U.S.C. 102(b) are anticipated by Titus (U.S. Patent No. 4,404,974 to Titus). Applicant respectfully traverses these rejections to the extent that such rejections may be considered applicable to the amended claims. Titus fails to disclose each and every feature of the claimed invention, as required by 35 U.S.C. §102(b), and provides no teaching that would have suggested the desirability of modification to include such features.

For example, Titus fails to teach or suggest an emergency medical device comprising a first display monitor to display at least a first subset of the patient parameters to an operator, and a second display monitor to display at least a second subset of the patient parameters to the operator, wherein the first and second display monitors face in different directions, as required by Applicant's independent claim 1 as amended. Similarly, Titus fails to teach or suggest a method comprising displaying a first subset of the measured patient parameters to an operator via a first display monitor of an emergency medical device, and displaying a second subset of the measured patient parameters to the operator via a second display monitor of the emergency medical device, wherein the first and second display monitors face in different directions, as required by Applicant's independent claim 22 as amended. Instead, Titus discloses an apparatus with a front display panel 22 comprising a first digital display 24 that displays a current product of heart or pulse rate and blood pressure, and a second digital display 29 that displays a two-minute average of the product of heart or pulse rate and blood pressure (col. 3, ln. 17-29 and FIG.2). It is apparent from FIG. 2 of Titus that the digital displays 24 and 29 face in the *same* direction, directly contrary to the requirements of Applicant's independent claims 1 and 22. Moreover, nothing within the Titus disclosure would even suggest that displays 24 and 29 of the described apparatus may face, or be arranged to face, in different directions.

None of the other references cited by the Examiner in the Office Action teaches an emergency medical device comprising two displays that face in different directions, as required

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

by Applicant's independent claims as amended. Further, none of the other references provides any teaching that would have motivated one of ordinary skill in the art at the time of Applicant's invention to modify the Titus apparatus such that displays 24 and 29 faced in different directions. Indeed, because it would appear that the current product of heart or pulse rate and blood pressure displayed by display 24, and the two-minute average of the product of heart or pulse rate and blood pressure displayed second digital display 29 are intended to be viewed at the same time and by the same person, Applicant cannot imagine any teaching in the prior art that would have motivated one of ordinary skill to modify the Titus apparatus in this manner. At best, one of ordinary skill would have seen no purpose for such a modification and, more likely, would have consciously avoided such modification as potentially impairing the ability of users to simultaneously view displays 24 and 29.

As another example, Titus fails to teach or suggest a port that electrically couples to the first display monitor, as recited by Applicant's claim 15. It is not clear whether the Examiner has considered this claim. The Examiner did not point to any teaching of a port within Titus. The display monitors 24 and 29 disclosed by Titus are integrated within apparatus 19 (col.3, ln.17-30), and are not described as being electrically coupled to the apparatus by a port.

Titus also fails to disclose or suggest the requirements of claim 33, which recites receiving input from the operator identifying at least one of the subsets of patient parameters to display. Instead, Titus discloses switches 34-37 (FIG.2), used only to set values that if exceeded will trigger an alarm (col. 3, ln. 37-40), switches 37-39 (FIG.2), used only to monitor the functionality of apparatus 19 (col. 4, ln. 3-4), and on-off switch 23 (FIG.2), used only to turn apparatus 19 on or off (col. 3, ln. 17-18). None of the user inputs disclosed by Titus allow an operator to identify at least one of the subsets of patient parameters to display. Again, it is not clear whether the Examiner has considered this claim.

Titus fails to disclose each and every limitation set forth in claims 1, 11-16, 18, 19, 22 and 31-35. For at least these reasons, Applicant's claims 1, 11-16, 18, 19, 22 and 31-35 as amended are not anticipated by Titus under 35 U.S.C. 102(b). Withdrawal of this rejection is requested.

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

Claim Rejections Under 35 U.S.C. § 103

Claims 2, 3, 17, 23, 24 and 38

The Office Action indicates that Applicant's claims 2, 3, 17, 23, 24 and 38 are unpatentable under 35 U.S.C. 103(a) over Titus in view of Winkler (U.S. Patent No. 5,345,362 to Winkler). Applicant respectfully traverses these rejections. Claims 2, 3 and 17 are dependent on claim 1 and are patentable for at least the reasons claim 1 is patentable as discussed previously in this paper. Likewise, claims 23, 24 and 38 are dependent on claim 22 and are patentable for at least the reasons claim 22 is patentable, also discussed previously in this paper. Claims 2, 3, 17, 23, 24 and 38 also include additional limitations not found or suggested in the prior art.

For example, claim 2 and claim 23 each require that a major surface of the first display monitor is arranged in a first plane and a major surface of the second display monitor is arranged in a second plane, and the first plane and the second plane are substantially perpendicular to one another. The Office Action mischaracterized these limitations claims 2 and 23 in that the first display monitor is not required to be perpendicular with the *upper surface of the apparatus*, as suggested by the Examiner, but rather with the *second display monitor*. Because the disclosure of Winkler fails to teach a device having more than one display (e.g., FIG. 8), it does not contain any teaching regarding the relative positioning of two displays. Consequently, Winkler cannot be said to provide any teaching that when combined with the disclosure of Titus would have suggested the desirability of modification of the Titus apparatus to meet the requirements of claims 2 and 23. Furthermore, as described above, one of ordinary skill would have seen no purpose for such a modification and, more likely, would have consciously avoided such modification as potentially impairing the ability of users to simultaneously view displays 24 and 29.

For the same reasons, with reference to claims 3 and 24, Winkler lacks any teaching that would have suggested a major surface of the first display monitor is arranged in a first plane and a major surface of the second display monitor is arranged in a second plane, and the first plane and the second plane are substantially parallel to one another.

With reference to claims 17 and 38, as another example, Titus and Winkler lack any teaching that would have suggested an emergency medical device in which a first display

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

monitor comprises a display that is a component of one of a laptop computer, a handheld computer, a personal digital assistant, a cellular telephone, and a wristwatch to one of ordinary skill in that art at the time of Applicant's invention. The Examiner appears to have failed to consider the features expressed by these claims, and the prior art does not teach, suggest or provide motivation to incorporate such features into the device described by Titus.

For at least these reasons, the Office Action fails to establish a prima facie case for non-patentability of Applicant's claims 2, 3, 17, 23, 24 and 38 under 35 U.S.C. 103(a). Withdrawal of these rejections is requested.

Claims 4-9 and 25-29

The Office Action also indicates claims 4-9 and 25-29 are unpatentable over Titus in view of Daynes (U.S. Patent No. 6,754,526 B2 to Daynes et al.) under 35 U.S.C. 103(a). Applicant respectfully traverses these rejections. Claims 4-9 are dependent on claim 1 and are patentable for at least the reasons claim 1 is patentable as discussed previously in this paper. Likewise, claims 25-29 are dependent on claim 22 and are patentable for at least the reasons claim 22 is patentable, also discussed previously in this paper. Claims 4-9 and 25-29 also include additional limitations not found or suggested in the prior art.

With reference to claims 4 and 25, for example, the applied references lack any teaching that would have suggested a housing and a cover attached to the housing, the first display monitor and the second display monitor being located within the cover, in which the first display monitor is located on one side of the cover and the second display monitor is located on the opposite side of the cover. Daynes merely discloses a housing 202 and a door 200 (FIG.2), but fails to disclose a display monitor on either side of the door, much less both sides of the door. It is not apparent to Applicant how "a defibrillator including a door or cover which conceals manual user commands, such that upon initiating a motion associated with the door, such as activation of a latch or opening of the door, the defibrillator is put into the manual mode, while revealing the manual commands" is remotely relevant to the patentability of the Applicant's claims. Daynes likewise does not appear to teach or suggest any of the features of recited by claims 5-9 and 26-29. Accordingly, Applicant would appreciate further explanation of the

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

relevance of Daynes to the patentability of the Applicant's claims, or withdrawal of these rejections.

For at least these reasons, the Office Action fails to establish a prima facie case for non-patentability of Applicant's claims 4-9 and 25-29 under 35 U.S.C. 103(a). Withdrawal of these rejections is requested.

Claims 10, 20-21, 30 and 36-37

The Office Action indicates claims 10, 20-21, 30 and 36-37 are unpatentable over Titus in view of Kirchgeorg (U.S. Patent No. 6,327,497 to Kirchgeorg et al.) under 35 U.S.C. 103(a). Applicant respectfully traverses these rejections. Claims 10, 20 and 21 are dependent on claim 1 and are patentable for at least the reasons claim 1 is patentable as discussed previously in this paper. Likewise, claims 30, 36 and 37 are dependent on claim 22 and are patentable for at least the reasons claim 22 is patentable, also discussed previously in this paper. Claims 10, 20-21, 30 and 36-37 also include additional limitations not found or suggested in the prior art.

With reference to claims 10 and 30, for example, the applied references lack any teaching that would have suggested an emergency medical device including, a first display monitor located on a side of the device on which a handle is located and a second display monitor located on a side of the device adjacent to the handle. While the invention disclosed Kirchgeorg has a handle (FIG. 1), it fails to provide any teaching that would have motivated one of ordinary skill in the art to modify the apparatus described by Titus to meet these requirements of claims 10 and 30. Indeed, the teachings of Kirchgeorg are substantially irrelevant to the subject matter of claims 10 and 30.

Kirchgeorg merely serves to show that it was known to include a handle on a medical device. It is not even apparent how combining the disclosure of Kirchgeorg with the disclosure of Titus would produce the Applicant's invention as recited by claims 10 and 30. Kirchgeorg simply fails to provide any teaching that would have motivated one of ordinary skill in the art at the time of Applicant's invention to modify the Titus device to include a first display monitor on a side of the device on which a handle is located and a second display monitor located on a side of the device adjacent to the handle.

Application Number 10/712,597
Amendment dated March 9, 2005
Responsive to Office Action mailed December 9, 2004

For at least these reasons, the Office Action fails to establish a prima facie case for non-patentability of Applicant's claims 210, 20-21, 30 and 36-37 under 35 U.S.C. 103(a).

Withdrawal of these rejections is requested.

CONCLUSION

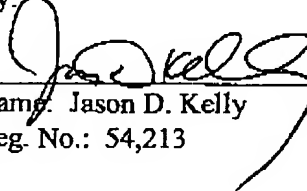
All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

3/9/05

SHUMAKER & SIEFFERT, P.A.
8425 Seasons Parkway, Suite 105
St. Paul, Minnesota 55125
Telephone: 651.735.1100
Facsimile: 651.735.1102

By:



Name: Jason D. Kelly
Reg. No.: 54,213